IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 7556 of 2007(Y)

PETITIONER:

AGNES GEORGE, AGED 30 YEARS,
W/O GEORGE, RESIDING AT KALICHANADUKKAM,
HOSDURG TALUK, KASARGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS:

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1. THE DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM.

2. THE STATION HOUSE OFFICER,
VELLARIKUND POLICE STATION, HOSDURG,
KASARGOD DISTRICT.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO.7556 OF 2007-Y

Dated this the 5th day of June, 2007

JUDGMENT

The petitioner is the unfortunate wife of a person who has been found to be missing. To add to her woes, it is revealed that her husband had gone away from the locality along with a girl who had left a note that she is leaving with the petitioner's husband with whom she was in love. The petitioner is not prepared to swallow that version. She has a grievance that her husband is missing. A crime has been registered at the instance of the parents of the said girl that the petitioner's husband and the said girl are missing. Investigation is in progress. It has been reported that the petitioner's husband and the said girl are living together happily at some place in Karnataka. But they have not been specifically traced and brought. Investigation is pending. A report has been submitted to the effect that the offence remains undetected. But the Investigating Officer in his report asserts that every possible

attempt is being made to trace the missing persons. He expects success in the mission in the near future. All possible steps are being taken, it is submitted.

2. The crime was registered in 2003. The petitioner's grievance cannot be faulted on the ground that she had not filed any complaint. Even if she had filed a complaint as asserted by her, no fresh crime was likely to have been registered as already another crime – Crime No.158/03 stood, registered at the Police Station. I am not satisfied with the pace of the investigation or the result achieved so far. The Investigating Officer must make every endeavour to trace the petitioner's husband and get his version recorded to confirm and allay the apprehension of the petitioner that he is found missing under any suspicious circumstance.

3. However, I accept the submission of the learned Public Prosecutor that necessary steps are being taken and all attempts shall be made to trace the petitioner's husband, to record the statement from him and to correctly and precisely ascertain the true state of affairs.

4. I am satisfied, in these circumstances, that no further specific directions need be issued. This writ petition can now be

dismissed observing that the Investigating Officer must make every endeavour to trace the petitioner's husband and complete the investigation as early as possible. The petitioner's right to move this Court again, after a period of three months if investigation by then does not satisfactorily culminate, shall remain.

5. With the above observations, this writ petition is dismissed.

6. Hand over a copy of this judgment to the learned Public Prosecutor.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge